

REMARKS

The Office has required restriction in the present application as follows:

Group I: Claims 1-14 and 18-20, drawn to a foamed polymer fiber composite building material; and

Group II: Claims 15-17, drawn to a method of forming a foamed polymer-cellulosic composite building material.

Applicants elect, with traverse, Group I, Claims 1-14 and 18-20.

Restriction is only proper if the claims of the restricted groups are either independent or patentably distinct. The burden of proof is on the Office to provide reasons and/or examples to support any conclusion with regard to patentable distinctness. MPEP §803.

Applicants respectfully traverse the Restriction Requirement on the grounds that the reasons set forth as a basis for the restriction are not adequate reasons nor are there adequate examples provided to support a conclusion of patentable distinctness between the identified groups or shown that a burden exists in searching all the claims.

Further, Applicants respectfully traverse the Restriction Requirement on the grounds that the Office has not shown that a burden exist in searching all of the claims. Applicants respectfully point out that thousands of U.S. patents have issued in which many more than two subclasses are searched, and the Office cannot reasonably assert that a burden exists in searching only two subclasses.

Application No. 10/758,413


Reply to Office Action of November 10, 2004

Accordingly, and for the reasons presented above, Applicants submit that the Office has failed to meet the burden necessary in order to sustain the Restriction Requirement.

Withdrawal of the Restriction Requirement is respectfully requested.

Respectfully submitted,

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